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VIRGINIA IN 1681-82

INSTRUCTIONS TO LORD CULPEPER.

Continued.

57 You are to give all due encouragement
To encourage and invitation to merchants and others who
Trade and shall bring trade unto our said colonie or
the African any way contribute to the advantage thereof,
Comp^y. and in particular to the Royal African Com-
pany of England.

58 And you are to take care that there be
To Suffer no trading from Virginia or any of the
none to trade Territory depending thereon to any place
in Africa or part in Africa within the Charter of the
within the Royal African Comapny. And you are not
Charter of to suffer any ships to bee sent thither with-
the Company out their leave or authority.
without leave.

59 And as wee are willing to recommend
To endeavour unto the said Company that the said Colo-
that their pay- nie may have a constant and sufficient sup-
ments be duly ply of Merchantable Negroes at moderate
made. rates in money or commodities, you are to
take special care that payment be duly made
and within a competent time, according to
their agreement. It being against reason
to expect that any should send good wares
to a known bad market.

60 Our Will and Pleasure is, and wee do
To observe hereby strictly commend and enjoyn you
the Treaty of carefully to observe all the articles con-
Madrid 1670, tained in the late Treaty for the composing

between Eng- of differences and the establishing of Peace
land and in America concluded at Madrid the 8-18
Spain. day of July, 1670, between Us and the
Crown of Spain, an authentick copie where-
of you shall herewith receive.

61 And in case any private injury or dam-
To give an age shall be offered or done to any of our
account of all subjects in those parts by any of the sub-
Injuries done jects of the King of Spain, you shall take
by the care to give Us an account with all con-
Spaniards venient speed by one of our principal Sec-
there, and not retary's of State or to the Lords of Our
to Suffer any Privy Council appointed a Committee for
other repara- Trade and Foreign Plantation. And not to
tion than permit or encourage reparations thereof to
is directed be sought in any other way than what is
by Treaty. directed and agreed in the said Articles of
Madrid.

62 And Our Will and Pleasure is that you
To give an doe from time to time give unto Us and the
acc't of the Lords of the Commitee for Trade and Plan-
strength of tation an account of what strength your
the neigh- bordering neighbours have (bee they In-
bours. dians or others) by Sea and Land, and what
correspondency you doe keep with them.

63 And whereas, wee think it fit for y^e bet-
A Law for as- ter administration of Justice that a Law bee
certaining passed in the Assembly wherein shall be set
what Estate the value of Men's Estates, either in goods
Jurors or Lands under which they shall not bee
ought to have capable of serving as Jurors, Our pleasure
to bee pre- is that at the first opportunity of transmit-
pared and ting any Laws hither for Our approbation
sent over according to Our Instructions before ex-
for appro- pressed you prepraie and send one to that
bation. purpose.

64 You are not for the future to admit or
 To admit no allow of any appeals whatsoever to bee
 appeals to the made from the Governor and Council unto
 Assembly. the Assembly. But whereas wee judge it
 Appeals above absolutely necessary that all Our Subjects
 £100 to be may have liberty to appeal to Our Royal
 submitted to Person in cases that may deserve the same.
 the King and Our Will and Pleasure is that if either
 Council, Se- party shall not rest satisfied with the Judg-
 curity being ment or Sentence of the Governor and
 given by the Council, they may then appeal unto Us in
 Appell^t to the Our Privy Council, provided the matter in
 answer costs, difference exceed the real value and Summ
 and to pass a of One Hundred pound sterling, and that
 Law for the Security bee alsoe given by the Appellant to
 limitation of answer such charges as shall be awarded
 Appeals to the in case the Sentence of the Governor and
 Government Council in Virginia bee confirmed. And pro-
 & Council. vided alsoe that Execution bee not sus-
 pended by reason of any such appeal unto
 Us. And whereas, it may not bee let that
 appeals bee too frequently and for too small
 a value brought unto Our Governor and
 Council; you shall therefore with the ad-
 vice of the Council propose a Law to be
 passed wherein the method and limitation
 of Appeals unto the Governor and Council
 may be settled and restrained in such manner
 as shall be found most convenient and easy
 to Our subjects in Virginia.

65 You shall endeavour to get a Law passed
 To endeavour for the restraining of any inhuman severity
 to pass a Law which by ill masters or overseers may be
 against the in- used towards their Christian Servants or
 humanity of Slaves. And you are alsoe with the as-
 Masters & sistance of the Council and Assembly, to
 Overseers and find out the best means to facilitate and en-

to encourage the conversion of Negroes to the
 the conversion Christian Religion, wherein you are to leave
 of the Ne- a due caution and regard to y^e property of
 groes to the Inhabitants and safety of the Colonies.
 Christianity
 with regard to
 the property
 of the Inhabi-
 tants and
 Safety of the
 Island.

66 You are to recommend to the Council and
 To recom- Assembly the raising of stocks and building
 mend to the of Publick Workhouses in convenient places
 Assembly for the imploying poor and indigent people.
 to raising
 a publick
 stock and
 building of
 workhouses
 for the poor.

67 And you shall cause a survey to be taken
 To take a sur- of all the considerable Landing places and
 vey of Land- Harbours in the said Colonie, and with the
 ing places advice of the said Council erect in any of
 and Harbours, them such Fortifications as shall be neces-
 and to erect sary for the Security and advantage of Our
 fortifications Said Colonie which shall be done at the
 at the publick Public Charge of the Country; not doubt-
 charge. ing of the chearful concurrence of the In-
 habitants thereunto from the common se-
 curity and benefit they will receive thereby.

68 You shall likewise endeavour all you can
 To dispose the to dispose the Planters to build Towns upon
 planters to every River, and especially one at least on
 build Towns every great River, as tending very much
 upon every to their security and profit. And in order

River and to thereunto you are to take care that after permit noe sufficient notice to provide warehouses and ships to un- other conveniences, noe ships whatsoever load but at be permitted to load or unload, but at the such Towns. said places where the towns are settled. And Building of whereas, wee are given to understand that James Town Jamestown is not only y^e most antient but to be encour- the most convenient place for y^e Metropo- aged. lis of Our said Colonie, you are to direct all possible means to be used for the speedy Re- building of the same. As also to take care that the Chief Post y^e usual place of your residence the Courts of Justice and other Public Offices attending the Government be settled and continued in that place. For the better accomplishing of which Our designs you shall in Our Name, let Our Counsel- lers and chief Inhabitants in that Our Colo- nie know that wee shall take it very well at their hands if they shall alsoe contribute thereunto, by building, every one of them, one or more houses, as occasion shall offer, and of the success thereof you shall from time to time give us an account by one of Our principal Secretaries of State and by Our Committee for Trade and Foreign Plantations.

69 Our Will and Pleasure is that all servants All Servants that shall come to be transported to Our are to serve said Colonie of Virginia shall serve their re- the time pre- spective Masters for the term prescribed by scribed by the Laws of that Our Colonie. And the Law; Each to said Servants shall at the end of the said have 50 acres term have 50 acres of Land set out and after the said assigned to every of them respectively to term. have and to hold to them and every of them their Heirs and Assigns for ever under the Rent and Dutys usually paid and reserved.

70 And whereas Wee are very much dis-
 To repeal the satisfied at several Laws passed at a Grand
 Acts in 1676 Assembly begun at Green Spring on the
 as also an Act 20th of February, 1676, during the Govern-
 ment of Sir William Berkley, which are not
 concerning appeals how only disagreeable to the Powers residing
 to be brought in the Government there but derogatory to
 and all Acts Our gracious Proclamation bearing date the
 allowing ap- 20th of October in the 28th year of Our
 peals to the Reign and prejudicial to the good of Our
 Assembly, but said Colonie. You are therefore to signify
 appeals to the Our Royal Pleasure at such time after your
 Arrival as you shall find most convenient for
 general Our service. That such of the said Laws
 Courts to be as are not yet repeal'd, viz, An Act limit-
 as formerly. ing times of receipt and payment of Public
 Tobaccos, an Act regulating Ordinarys and
 the Prices of Liquors; An Act disposing
 Americaments upon Past Actions; An Act
 for Laying of Parish Levys; as alsoe one
 Act passed at a Grand Assembly begun at
 Middle Plantation on the 10th of October,
 1677, viz.: An Act for signing Executions
 and Judgments in the Assembly; as like-
 wise an Act made at a Grand Assembly held
 at James Citty the 3rd of March, 1662, en-
 titled Appeals, how to be made and all
 others to the same effect allowing appeals
 to the Assembly, bee all forthwith repealed
 and declared void. Provided always that
 all appeals from the County Courts and
 other inferior Courts shall be made by the
 General Court in such manner as formerly
 until Our further Pleasure bee known
 therein.

71 You are likewise from time to time to
 To give an give us by one of Our principal Secretaries

account of the wants of the Colonie. of State and Our Committee for Trade and Foreign Plantations an account of the wants and defects of y^e said Colonie and Territorys under your Government. What the chief products of them are, What new Improvements the industry or invention of the Planters hath afforded? What probable advantage may be gained by Trade? and which way you conceive wee may contribute towards them.

72 To encourage the manuring of Vines, Silk, Hemp, Flax, Pitch & Potashes, and to provide for the Same by Law. And you shall particularly endeavour to advance the Plantation and production of Vines, Silks, Hemp, Flax, Pitch and Potashes, for which wee are well assured that Climate and Soile is very proper, and for the Encouraging thereof Wee are desirous that new and greater rewards be given in proportion to y^e great benefit that Our Colonie would in a short time reap thereby. And that provision be accordingly made for it in the first Laws you shall transmit unto Us for Our approbation.

73 To consider of a restraint for the planting of Tobacco. And whereas Wee have been formerly moved to put some restraint on the planting of Tobacco in that Our Colonie We recommend the consideration of this matter to you and Our Council there, wherein you may likewise consult the Assembly if you see fit. To the end that upon due deliberation of what is best for that Our Colonie and upon notice thereof given to Us by one of Our principal Secretarys of State and to Our Committee of Trade and Plantation, Wee may order and establish such good rules as may be for the Publick benefit of Our Subjects there.

74 And whereas Wee have thought fit to
 In case any dispose of certain Offices and Places in
 Patent Office Our said Colonie of Virginia by Letters
 bee vacant Patent under Our Great Seals of England,
 to provide Our Will and Pleasure is that you take care
 one to officiate that the said several Offices and Places be
 till the King's freely and without any molestation enjoyed
 pleasure be and held by the respective persons to whom
 known, taking granted or their sufficient Deputys. And in
 security for case any of the said Patentees or their Dep-
 the mean utys shall misbehave themselves in the dis-
 profits. charge of any of the said Offices, Our Will
 and Pleasure is that you only suspend
 them from y^e execution of their said Places
 till you shall have represented the whole
 matter and receive Our Pleasure and de-
 termination thereupon, taking care that
 those who shall in the meantime be ap-
 pointed by you to execute any of the said
 offices give security to be accountable for
 the clear profits of the same to the respec-
 tive Patentees.

75 And whereas, by the advice of Our
 To the Council, we have thought fit to establish
 Governor and allow a comfortable subsistence and
 £2000 and for salary for you, Our Governor and Our other
 life and £150 chief Officers in that Our Colonie, you shall
 p annum till according to Our said Establishment re-
 the Colonie ceive and take to your own use as Gover-
 provide a nor out of the first moneys raised or to be
 house to Offi- raised there the yearly summe of Two Thou-
 cers civil and sand Pounds, from the death or other avoid-
 military as ance of Sir William Birkley, Our late Gov-
 formerly and ernor there, payable per diem during your
 to transmit natural life. As alsoe the summe of One
 the accounts. Hundred and fifty pounds yearly until Our
 said Colonie shall have provided a house

and plantation for you and Our Governor for the time being, which Wee expect and command to see done with all speed. And you shall alsoe pay out of the Next Revenues of Our said Colonie to the Councilors and other Judges and Officers, as well Civil as Military, and to the Marsnal Clerks of the Assembly, Gunners and Matrosses the several Salaries and Allowances formerly paid, or such other reasonable ones as you with the advice of Our Council there shall think requisite, A true account whereof you shall from time to time transmit unto Our Lord High Treasurer or the Commissioners of Our Treasury for the time being, and to the Lords of Our Privy Council appointed a Committee for Trade and Foreign Plantations.

76
 To use all means for preventing abuses in the payment of Tobacco duties, and to take care that y^e several officers be diligent etc.

Whereas upon considering the entries in Our Custom house here in England with the payment of the two shillings per Hogshead on Tobacco and other duties and imposition due to Us in Virginia. We are certainly informed of great frauds and abuses both in the payment thereof by Masters of Ships and others and in the collection by Our Officers, you are to use all legal means for the prevention thereof and for the Improvement of Our said Revenues. And whereas sush abuses cannot be committed without the apparent negligence of the collectors or their connivance with the said Masters of Ships and other persons, you are strictly to charge and command them and every of them in Our Name to be more diligent and carefull for the future, under penalty of forfeiture of their respective places by your

putting others in their stead on the first offence and of Our Highest Displeasure. And you are from time to time to give Us a particular account of your proceedings herein and of the Dutys and Impositions collected and disposed of pursuant to former directions signified in that behalfe.

77 And whereas it hath been represented
Power to en- unto Us that it is necessary for the good
hance the of Our said Colonie to raise the price of
price of For- Foreigne Coyne, Our Will and Pleasure is
eign Coyn by that you proceed therein in such manner as
proclamation with the advice and consent of the Council
in all pay- you shall in your discretion find convenient
ments except soe as the enhancement of the price bee
upon the act made and signified by Proclamation, ex-
for 2^s per cepting always what shall be given in pay-
hogshead ment upon the Act of 2^{sh} per hogshead on
w^{ch} are to be Tobacco exported and for other Dutys pay-
in sterling able to Us and to the Government which
money. are all to be satisfied in Sterling Money ac-
cording to the same value as formerly and
not otherwise.

78 And whereas in Laws for levying of
All Levy's money and raising a Public revenue and in
Fines and Penal Laws there have been hitherto
Forfeitures clauses whereby the Levies, Fines and For-
to be to the feitures are appropriated unto the Publick
King. without any mention made of Us or unto
Us for the Publick use which are deroga-
tory to Our Right of Sovereignty; you
shall take care that the same be altered and
made agreeable to the stile of such Laws
within Our Kingdom of England.

79 And for a further mark of Our Supreme
Writs to and Immediate Authority, Wee do hereby
issued in signify unto you Our Express commands

the King's That all Writs bee issued in Our Royal
name. name throughout Our said Colonie and Do-
minion notwithstanding any former usage
to the contrary.

80 And whereas Wee were pleased by Our
That an order Instructions dated in December, 1679, to
of the 22nd direct you to signify Our high resentment
Dec. 1681 dis- of a seditious Declaration made by the As-
approving the sembly of Virginia during the Government
declaration of of Coll. Jefferies whereby they set forth
the Assembly that Our Commissioners having called for
under the and forced from the Clerk of the Assembly
Government all the original Journals of the Assembly,
of Colo. Jef- which power they supposed wee would not
feries be en- grant them, for that they find not the same
tered in the to have been practiced by any of the Kings
Council Book, of England, and did therefore take the same
and to propose to be a violation of their privilege desirning
a bill to with all satisfaction to be given them that
declare noe such violation of their privilege should
His Majties be offered for the future. We^{ch} significance
rights to com- of our resentment you have hitherto sus-
mand the pended by the advice and Petition of the
records. whole Council there. To the end therefore
that such unwarrantable proceedings of that
Assembly may not be taken for a presi-
dent hereafter and seem to have Our Al-
lowance, Wee have therefore thought fit
by an Order in Our Privy Council dated
21st of December 1681, to signify Our Pleas-
ure herein and to declare that although wee
are pleased to pardon the persons who
have offended herein, Wee do nevertheless
wholly disapprove the said Declaration and
have directed that not only all Records to
that effect may be taken off the File and
razed out of the Books in Virginia which

said Order Our Royal Will and pleasure is that you cause to be entered in the Registry of Our said Council there, and that you likewise propose a Bill to the next Assembly for condemning the said proceedings and declaring the right of Us and Our Officers to call for all the Publick Records and Journals whenever it shall be thought necessary for Our Royal Service.

81 And if anything shall happen that may
To take order be of advantage and security to the said
in all things Colonie and other the Territorys depending
for the good thereon, which is not herein or by Our Com-
of the Colony mission provided for, Our Will and Pleas-
till further ure is and Wee do hereby allow unto you
directions with the advice and consent of the Council
soe as not to to take order for the present therein: Giv-
declare warr ing Us by one of Our principal Secretaries
without com- of State and to the Lords of Our Privy
mand. Council appointed a Committee for Trade
and Foreign Plantation speedy notice
thereof, that soe you may receive Our rati-
fication if Wee shall approve the same. Pro-
vided always and Our Will and Pleasure
is that you do not by color of any power or
authority hereby given you commence or de-
clare warr without Our Knowledge and
command therein except it bee against In-
dians, of which you shall give Us a par-
ticular account with all speed.

82 Lastly, you shall upon all occasions give
To give an unto Us by One of Our principal Secre-
acc^t of tarys of State and y^e Lords of Our Privy
proceedings. Council appointed a Committee for Trade
and Foreign Plantation a particular acco-
of all vour proceedings and of the condition
of affairs within your government:

The Instruc- Our Will and Pleasure being that Our
tions dated former Instruction given you the Sixth day
the 6th Dec^r of December, 1679, doe from the date hereof
1679 made become void and of none effect.
void.

A True Copy Teste

J. W. GREENWOOD.